

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
8

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 v.  
12 EMMETT WESSON,  
13 Defendant.

NO. CR-01-6027-RHW

**ORDER DENYING  
DEFENDANT'S MOTION FOR  
REDUCTION OF SENTENCE  
UNDER 18 U.S.C. § 3582(c)(2)**

14 Before the Court is Defendant's Motion for Reduction of Sentence under 18  
15 U.S.C. § 3582(c)(2), and to Strike Illegal Portion of Sentence (Ct. Rec. 109). The  
16 motion was heard without oral argument.

17 Defendants moves the Court to reduce his sentence imposed based on the  
18 disparity between crack cocaine and powder cocaine. While it is true that the  
19 recent amendments to the sentencing guidelines permit the Court to amend the  
20 sentence of those Defendants sentenced based on crack cocaine amounts,  
21 Defendant's sentence was not based on the quantity of crack cocaine that he  
22 distributed. Rather, Defendant was sentenced based on Chapter 4, Career Criminal  
23 provisions. The amendments do not have any effect upon Defendant's sentence.

24 In his Traverse, Defendant recognizes that the Amendments do not apply to  
25 career criminal sentences. Nevertheless, Defendant asserts that he is serving an  
26 illegal sentence because the Court never verbally imposed a length of  
27 imprisonment upon him. To the extent that Defendant is challenging the manner in  
28 which the sentence was imposed, such a claim is untimely.

**ORDER DENYING DEFENDANT'S MOTION FOR REDUCTION OF  
SENTENCE UNDER 18 U.S.C. § 3582(c)(2) ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion for Reduction of Sentence under 18 U.S.C. §  
3 3582(c)(2), and to Strike Illegal Portion of Sentence (Ct. Rec. 109) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
5 Order and provide a copies to Defendant, counsel and the U.S. Probation.

6 **DATED** this 26<sup>th</sup> day of March, 2008.

7  
8 s/Robert H. Whaley

9 ROBERT H. WHALEY  
10 Chief United States District Judge

11 Q:\CRIMINAL\2001\Wesson\deny.motion.reduction.wpd

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**ORDER DENYING DEFENDANT'S MOTION FOR REDUCTION OF  
SENTENCE UNDER 18 U.S.C. § 3582(c)(2) ~ 2**